UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE: Christopher B. Pemental	
Mortgage Electronic Registration Systems Inc., VS. Christopher B. Pemental	CHAPTER 7 CASE NO. 07-11093-ANV

MOTION FOR RELIEF FROM STAY AND MEMORANDUM IN SUPPORT THEREOF

To the Honorable Arthur N. Votolato:

Mortgage Electronic Registration Systems Inc., your moving party in the within Motion, respectfully represents:

1. The movant has a mailing address of c/o First Horizon, P.O. Box 630664, Mail Code:6206, Irving, TX 75663.
2. The debtor, Christopher B. Pemental, has a mailing address of P.O.Box 621, Warren, RI 02885.
3. On June 18, 2007, the debtor filed a petition under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Rhode Island.
4. The movant is the holder of a first mortgage on real estate in the original amount of $315,000.00 given by Christopher B. Pemental to Mortgage Electronic Registration Systems, Inc. on or about September 7, 2004. Said mortgage is recorded with the Records of Land Evidence in the Town of Barrington at Book 0869, Page 0036 and covers the premises located at 17 and 19 Stanley Avenue, Barrington, RI 02806.
5. Said mortgage secures a note given by Christopher B. Pemental to First Horizon Home

Loan Corporation in the original amount of $315,000.00.

6. As of July 24, 2007, approximately $319,129.65 in principal, interest, late fees and other charges was due with regard to Mortgage Electronic Registration Systems Inc.'s note and mortgage. Additionally, reasonable attorney's fees and costs have accrued as a result of this motion.

7. There are the following encumbrances on the property:

Name of Creditor	Type of Lien	Amount Owed
MERS	First Mortgage	$319,129.65
Countrywide	Second Mortgage	$22,500.00
Total Secured Encumbrances:		$341,629.65

8. According to the debtor's schedules, the fair market value of the subject property is $365,000.00.

9. The note and mortgage are in default for the May 1, 2007 payment and all payments thereafter, plus reasonable attorney's fees and costs and other charges incurred by the movant.

10. The movant seeks relief from stay as a secured creditor to enforce its rights under its loan documents and applicable law. In support thereof, the movant states that it is entitled to relief pursuant to 11 U.S.C. 362 (d)(1) for cause on the basis that the debtor is in default on said contractual obligations.

WHEREFORE, the movant prays that it, and its successors and/or assigns, be granted relief from the automatic stay for the purpose of: (i) exercising its rights under its agreements with the debtor and under applicable law, including, without limitation, taking possession of the mortgaged premises and/or foreclosing or accepting a deed in lieu of foreclosure of its mortgage on said premises, and bringing such actions, including, without limitation, eviction proceedings, as are permissible by law; (ii) the Court waive the provisions of F.R.B.P. 4001 (a)(3); and (iii) the Court order such other and further relief as may be just and proper.

Respectfully submitted,

Mortgage Electronic Registration Systems Inc.,
By its Attorney

/s/ Andrew S. Harmon

Andrew S. Harmon, Esquire
RI #5699
HARMON LAW OFFICES, P.C.
P.O. Box 610389
Newton Highlands, MA 02461-0389
617-558-0500

Dated: July 25, 2007

Within ten (10) days after service as evidenced by the certification and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 528-4477. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

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CERTIFICATE OF SERVICE

I, Andrew S. Harmon, Esquire, state that on July 25, 2007, I electronically filed the foregoing Motion for Relief from Stay and Proposed Order with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Leonard DePasquale, Esquire
Lisa A. Geremia , Chapter 7 Trustee
Matthew J. McGowan, Esquire for Debtor
Matthew Dyer, Esquire for American Servicing & CitiMortga
Catherine V. Eastwood, Esquire for Deutsche Bank National Trust

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Andrew S. Harmon
Andrew S. Harmon, Esquire
RI# 5699

Christopher B. Pemental
P.O.Box 621
Warren, RI 02885

ASH/TXF/200707-1424/Pemental, Christopher